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FAX FILING IN U.S. PATENT & TRADEMARK OFFICE

DATE: January 24, 2006
TIME: _____

TO:	Mail Stop Amendment	FAX NO.:	571-273-8300
FROM:	Kenneth N. Nigon	ADMIN. ASST.:	P. Boccella
APPLN. NO.:	10/813,372	ATTY. DOCKET NO.:	MATG-395US
TITLE OF APPLN.: METHOD FOR MODIFYING EXISTING MICRO-AND NANO-STRUCTURES USING A NEAR-FIELD SCANNING OPTICAL MICROSCOPE			
FILING DATE:	March 30, 2004	ART UNIT:	2812
FIRST INVENTOR:	Ming Li	CONF. NO.:	4694
TITLE OF DOCUMENT (and List of Attachments): Transmittal; Fee Transmittal; Response to Restriction Requirement; PTO-2038			

Total Number of Pages: 39 (including this form)

COMMENTS

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PTO/SB/21 (09-04) (AW 10/2004)

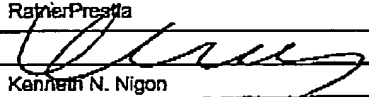
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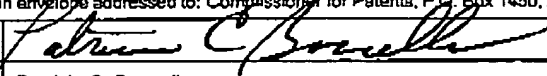
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/813,372
	Filing Date	March 30, 2004
	First Named Inventor	Ming Li
	Art Unit	2812
	Examiner Name	Richard A. Booth
	Attorney Docket No.	MATG-395US
Total Number of Pages in This Submission 37		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Dedication(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement; PTO- 2038; PTO-facsimile cover sheet
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	RatnerPrestita		
Signature			
Printed Name	Kenneth N. Nigon		
Date	January 24, 2006	Registration No.	31,549

CERTIFICATE OF TRANSMISSION / MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or Printed Name	Patricia C. Boccia	Date	January 24, 2006

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PTO/SB/17 (12-04-v2) (AW 1/2005)

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For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

150.00

Complete if Known

Application Number	10/813,372
Filing Date	March 30, 2004
First Named Inventor	Ming Li et al.
Examiner Name	Richard A. Booth
Art Unit	2812
Attorney Docket No.	MATG-388US

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
86	- 83 or HP = 3	x 50 =	150			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
	- 3 or HP =	x	

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

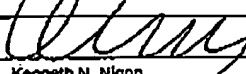
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY		Complete if applicable	
Signature		Registration No. Attorney/Agent	31,549
Name (Print/Type)	Kenneth N. Nigon	Telephone	610-407-0700
		Date	January 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/04.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**Complete if Known**

Application Number	10/813,372
Filing Date	March 30, 2004
First Named Inventor	Ming Li et al.
Examiner Name	Richard A. Booth
Art Unit	2812
Attorney Docket No.	MATG-385US

TOTAL AMOUNT OF PAYMENT (\$) 150.00**METHOD OF PAYMENT** (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity		Small Entity		Small Entity		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues) Small Entity Fee (\$) 50 Fee (\$) 25

Each independent claim over 3 (including Reissues) 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
88	- 83 or HP = 5	50	150			
HP = Highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
	- 3 or HP =					
HP = Highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
	- 100 =	/ 50 =	(round up to a whole number) x	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY

Complete (if applicable)

Signature	Registration No. Attorney/Agent	31,549	Telephone	610-407-0700
Name (Print/Type)	Kenneth N. Nigon		Date	January 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appln. No.: 10/813,372
Amendment Dated January 24, 2006
Reply to Office Action of December 27, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/813,372
Applicant: Ming Li et al.
Filed: March 30, 2004
Title: METHOD FOR MODIFYING EXISTING MICRO- AND NANO-
STRUCTURES USING A NEAR-FIELD SCANNING OPTICAL MICROSCOPE
TC/A.U.: 2812
Examiner: Richard A. Booth
Confirmation No.: 4694
Docket No.: MATG-395US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

This is in response to the Restriction Requirement stated in the Office Letter dated **December 27, 2006**.

The Examiner objects to the number of different devices that can be made using this technique as described in claims 20, 44 and 64. These devices are: 1) a microstructure mold, 2) a quantum cellular automaton, 3) a coupled quantum dot device, 4) a resonant tunneling device, 5) a multifunction optical array, 6) a diffractive optical element, 7) a beam shaper, 8) a microlens array, 9) an optical diffuser, 10) a beam splitter, 11) a laser diode corrector, 12) a fine pitch grating, 13) a photonic crystal, 14) a micro-electrical-mechanical system, 15) micro-circuitry, 16) a polymerase chain reaction microsystem, 17) a biochip for detection of hazardous chemical and biological agents, 18) a high-throughput drug screening and selection microsystem, 19) a micro-surface-acoustic-wave device, and 20) a micro-mechanical oscillator. The examiner would like us to limit each of these claims to a single device.

Applicants elect to prosecute the micro-electrical-mechanical system. To implement this election, Applicants withdraw claims 20, 44 and 64 from consideration and add new claims 84, 85 and 86 which correspond to claims 20, 44 and 64 but recite only the micro-electrical-mechanical system.

The claims are amended as follows:

01/25/2006 CNGUYEN2 00000019 10813372

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